

AUG - 3 1999



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

#23

David T. Read  
Acting Director Regulatory Policy Staff, CDER  
Food and Drug Administration  
1451 Rockville Pike, HFD-7  
Rockville, MD 20852

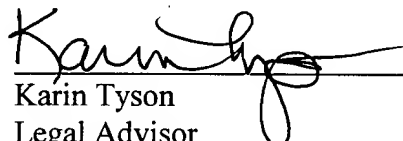
Re: MAXALT® (rizatriptan benzoate)  
FDA Docket No. 98E-0852

Dear Mr. Read:

Transmitted herewith is a copy of the application for patent term extension of U.S. Patent No. 5,298,520. The application was filed on August 7, 1998, under 35 U.S.C. § 156.

The patent claims a product that was subject to regulatory review under the Federal Food, Drug and Cosmetic Act. Subject to final review, the subject patent is considered to be eligible for patent term restoration. Thus, a determination by your office of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 U.S.C. § 156(d)(2)(A).

Telephone inquiries regarding this matter should be directed to the undersigned at (703)306-3159.

  
Karin Tyson  
Legal Advisor  
Special Program Law Office  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects

cc: Philippe L. Durette  
Merck & Co., Inc.  
P.O. Box 2000  
Rahway, NJ 07065-0907

kt